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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,148	05/29/2001	Dongchul D. Hyun	MPSCO-007A	7478

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EXAMINER

CAMPBELL, THOR S

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 10/21/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,148

Applicant(s)

HYUN, DONGCHUL D.

Examiner

Thor S. Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above; the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-23 is/are allowed.
- 6) ☐ Claim(s) 1-6 and 24-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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Election/Restrictions

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Invention 1 in Paper No. 7 is acknowledged, however, after further consideration of the claims the Examiner's restriction requirement is withdrawn since the inclusion of the all claims does not put undue burden on the Examiner. Action on the merits of claims 1-30 follows.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Blecher et al (US 5395347).

Blecher disclosed the claimed invention including a blood collection and sampling system comprising a first conduit for drawing blood from a patient, a collection vessel communicating with a second conduit, a needle communicating with a third conduit, a clamp for closing first and second conduits selectively and wherein when the first conduit is closed and positive pressure is applied to the vessel blood flows from the vessel to the needle.

Claims 1-6, 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Caldwell et al (US 4935009).

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Caldwell discloses an apparatus comprising a multitude of conduits including inter alia a first conduit in communication with a patient and a syringe, second conduit establishing a path from said syringe to a needle, and third conduit for establishing a path between the patient and a fluid store (64), first and second closure members. It is noted that the Caldwell device "allows" for fluid to be administered to the patient when the first closure (67) is closed and the second closure (67) is open and when reversed allows for fluid in the syringe to be injected to the patient with positive pressure.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 6, 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blecher et al (US 5395347) in view of Lupien et al. (US 4103685).

Blecher disclosed the claimed invention including a blood collection and sampling system comprising a first conduit for drawing blood from a patient, a collection vessel communicating with a second conduit, a needle communicating with a third conduit, a clamp for closing first and second conduits selectively and wherein when the first conduit is closed and positive pressure is applied to the vessel blood flows from the vessel to the needle. Blecher does not disclose a syringe used as a collection vessel. Lupien discloses a blood drawing and treating apparatus comprising a fluid path from a patient to a syringe for collecting blood, a closure

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member in the fluid path allowing for closing the path to the collection syringe and allowing for a path to the patient from another source. It would have been obvious to one of ordinary skill in the art at the time the invention was made, in view of Lupien, to modify the device of Blecher to use a collection syringe in place of the fluid bag when smaller volumes of blood are to be collected.

Allowable Subject Matter


Claims 7-23 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thor S. Campbell whose telephone number is 703-306-9042. The examiner can normally be reached on Tue-Fri 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look can be reached on 703-308-1044. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0861.

TSC



THOR CAMPBELL
PATENT EXAMINER